

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY EUGENE SAFFOLD,

Petitioner,

No. CIV S-98-1040 RRB JFM P

vs.

JIM HAMLETT, Warden,

Respondent.

ORDER

Petitioner is a state prisoner proceeding with counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 13, 2006, respondent filed a second motion to dismiss this action as barred by the statute of limitations. The court heard oral argument on the motion on September 14, 2006.

In view of the representations of counsel for respondent at the time of oral argument, the extended procedural history of this action, and good cause appearing, IT IS HEREBY ORDERED that respondent's April 13, 2006 motion to dismiss is construed as a supplement to respondent's October 27, 2004 answer, and all briefing filed in connection with

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1 said motion is construed as supplemental to the appropriate briefing filed in support of and  
2 opposition to petitioner's claims for habeas corpus relief.

3 DATED: September 12, 2007.

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6 UNITED STATES MAGISTRATE JUDGE

7 12  
8 scaffold.mtd